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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/928,173	08/09/2001	Trung Tri Doan	500084.05	6812

27076 7590 07/14/2005

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EXAMINER	
MORGAN, EILEEN P	
ART UNIT	**PAPER NUMBER**
3723	

DATE MAILED: 07/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/928,173	DOAN ET AL.
	Examiner	Art Unit
	Eileen P. Morgan	3723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 April 2005*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *89-94 and 99-110* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *89-94, 99-110* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other _____.

DETAILED ACTION

Claim Rejections - 35 USC 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 89-94 are rejected under 35 U.S.C. 103(a) as being unpatentable over (Crevasse et al.-6,261,958 or Bowman et al.-6,244,941, alone) or in view of Tench et al.-5,461,907.

Both references discloses attaching a support/pad to a platen through the use of electromagnetic attractive force. The references do not use 'electrostatic' force. However, it would have been obvious to one of ordinary skill in the art at time invention was made to substitute electromagnetic force with electrostatic force since examiner takes Official Notice of the equivalence of electrostatic and electromagnetic forces for their use in the gripping art and the selection of any of these known equivalents to hold a planarizing medium on a platen would be within the level of ordinary skill in the art. In addition, Tench discloses the functional equivalence of electromagnetic or electrostatic forces to manipulate one item in relation to another. Therefore, it would have been obvious to one of ordinary skill in the art at time invention was made to use electrostatic forces in the device disclosed by Crevasse or Bowman, as taught by Tench-907, since both type of forces are known for reliability, nonbreakage, and no edge exclusion.

In regard to claim 93, Both primary references disclose attaching a support/pad to a platen through the use of electromagnetic attractive force by using a conductive material on the pad and an attractive force within the platen. However, the references do not disclose having a plurality of conductive pieces within the support/pad. However, to use a plurality of conductive pieces instead of one solid conductive plate would be an obvious design expedient and therefore, it would have been obvious to one of ordinary skill in the art at time invention was made to use a plurality of conductive pieces in order to use less conductive material and preserve the lifetime of the conductive material. In regard to claims 103,104,108, the placement of the conductive pieces would be an obvious design expedient.

3. Claim 99 rejected under 35 U.S.C. 103(a) as being unpatentable over Bowman et al.-6,244,941, alone)or in view of Tench-907.

Bowman discloses attaching a support/pad to a platen through the use of electromagnetic attractive force and a locking device (344,342). Bowman does not use 'electrostatic' force. However, it would have been obvious to one of ordinary skill in the art at time invention was made to substitute electromagnetic force with electrostatic force since examiner takes Official Notice of the equivalence of electrostatic and electromagnetic forces for their use in the gripping art and the selection of any of these known equivalents to hold a planarizing medium on a platen would be within the level of ordinary skill in the art

In addition, Tench-907 discloses the functional equivalence of electromagnetic or electrostatic forces to manipulate one item in relation to another. Therefore, it would have been obvious to one of ordinary skill in the art at time invention was made to use electrostatic forces in the device disclosed by Crevasse or Bowman, as taught by Tench-907, since both type of forces are known for reliability, nonbreakage, and no edge exclusion.

Claims 100-110 are rejected under 35 U.S.C. 103(a) as being unpatentable over (Crevasse et al.-6,261,958 or Bowman et al.-6,244,941) alone. Both references disclose attaching a support/pad to a platen through the use of electromagnetic attractive force by using a conductive material on the pad and an attractive force within the platen. However, the references do not disclose having a plurality of conductive pieces within the support/pad. However, to use a plurality of conductive pieces instead of one solid conductive plate would be an obvious design expedient and therefore, it would have been obvious to one of ordinary skill in the art at time invention was made to use a plurality of conductive pieces in order to use less conductive material and preserve the lifetime of the conductive material. In regard to claims 103,104,108, the placement of the conductive pieces would be an obvious design expedient.

Response to Arguments

Applicant's arguments filed 4-25-05 have been fully considered but they are not persuasive. On page 6, Applicant argues that Crevasse does not disclose a plurality of

conductive pieces nor retaining a pad to a platen by the use of 'electromastatic' forces. However, Tench is used to clearly teach manipulating one item to another through the use of either electrostatic or electromagnetic forces. The rejection states that to use one solid conductive piece or a plurality of conductive pieces would be within the level of ordinary skill in the art. To substitute the thin steel sheet for a plurality of smaller steel pieces would be within the level of ordinary skill and does not teach away from Crevasse. Applicant argues the same for the Bowman reference and Examiner reiterates the statements above.

In regard to applicant's argument that Tench is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Tench is pertinent to the particular problem of manipulating one item in relation to another and teaches that both electrostatic and electromagnetic forces can be used and are interchangeable equivalents. Tench is not relied upon to show holding a substrate on a platen.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does

not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). To use smaller steel/conductive pieces placed throughout the support/pad rather than one solid sheet encompassing the entire surface area would indeed use less conductive material.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eileen P Morgan whose telephone number is 571.272.4488. The examiner can normally be reached on Tuesday-Thursday (Office) Friday (Work at home).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on 571.272.4485. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EM
July 7, 2005

EILEEN P. MORGAN
PRIMARY EXAMINER